

REMARKS

Claim 1 has been canceled and claims 2-3, 5 and 9 have been amended. New claim 10 has been added. Reexamination and reconsideration are respectfully requested.

Applicants have added a new independent claim 10, which recites a method of facilitating entry into or out of the motor vehicle. The method comprises the acts of receiving a double unlock door command signal to unlock a vehicle door and to arm a complete window lowering operating for a window of the vehicle door. The method automatically triggers the complete window lowering operation only upon a simultaneous or subsequent opening of the vehicle door.

In the Decision on Appeal dated January 31, 2008, the Board of Patent Appeals and Interferences affirmed the Examiner's rejection of claims 1-9 as being obvious over Boehm (DE 42 03 512 C1). Applicants respectfully submit, however, that new independent claim 10 is patentable over Boehm. In particular, claim 10 now recites that the complete window lowering operation automatically occurs only upon the opening of the vehicle door following the receipt of the double unlock door command signal, which acts to arm the complete window lowering operation.

In contrast, Boehm teaches the skilled artisan a completely different technical approach to entering a vehicle that is in a tight parking space. In particular, Boehm requires the activation of the complete window lowering operation while the vehicle door is still closed, but after having been unlocked (see attached English-language translation of DE '512 C1 (Boehm), col. 2, lines 41-65 and col. 3, lines 24-37). To trigger the window lowering operation, Boehm has the user activate a handle button (door switch) for a predefined waiting time period while the door is still closed (but having been unlocked, which in Boehm's flow chart of Fig. 2 is termed "opening" of the vehicle). Such "opening" of the vehicle in Boehm is not the same as Applicants' claimed opening of the vehicle door, but rather is akin to Applicants' discussion of the unlocking of the vehicle door.

Applicants' claim 10, in contrast, utilizes a completely different technical solution wherein a double unlock door command signal is used to arm the complete window lowering operation, which then occurs automatically only after opening of the vehicle door. Hence, Applicants respectfully submit claim 10 is patentable over Boehm. Indeed, the skilled artisan cannot arrive at Applicants' invention without destroying the function and purpose of Boehm, as well as without utilizing hindsight based on teachings of Applicants' invention. Because Boehm describes a solution for the same objective that is vastly different than

Applicants', there is simply no need for the skilled artisan aware of Boehm's teachings to arrive at Applicants' invention.

In view of the above, Applicants submits claim 10, along with dependent claims 2-4 are patentable over Boehm.

Applicants have amended system claim 5 and software product claim 9 to likewise recite that the complete lowering of the window occurs only if the opening of the vehicle door is detected. Hence, these claims, along with their dependent claims, are also submitted to be patentable.

In view of the foregoing, Applicants respectfully submit claims 2-10 are in condition for allowance. An early notice to that effect is solicited.

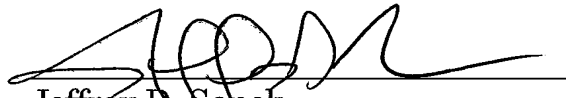
If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

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If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #080437.49628US).

Respectfully submitted,

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[column 2, lines 41–65]

According to claim 1, the control unit comprises, as the additional switch, an additional handle button switch, which can be operated by an outside handle button, which is part of the door lock and is assigned to the motor vehicle door, and, thus, can be operated from the outside of the vehicle. The handle button switch is used to drive the “window down function” by means of a timing circuit and a release switch, which can be operated with a lock mechanism of the motor vehicle door in a case where the lock mechanism is released and, thus, the release switch is operated. In addition, the handle button and, thereby, the handle button switch are operated for at least a defined waiting period, which is determined by the timing switch.

In this way, when the vehicle door is still closed upon unlocking the vehicle, the window pane may be lowered from the outside of the vehicle by operating for a prolonged period of time the outside handle button in accordance with the predefined waiting period. In this way, especially in the case of a window pane without a frame, as claimed in claim 2, it is easier to get into the car in narrow parking spaces with the door only partially open, since after lowering the window pane, the curvature of said window pane, which is directed towards the inside of the vehicle, is removed from the entry area.

[column 3, lines 24–37]

A suitable waiting period, which is predefined by the timing circuit, has proven to be a period of approximately 1 second, as claimed in claim 5. If in the case of parking conditions that are not tight, the outside or the inside handle button of the vehicle door is operated promptly and the vehicle door is opened, the lowering of the associated window pane is dispensed with, because then the vehicle door may be readily opened sufficiently wide for comfortable and convenient entry without being impeded by the window pane. In contrast, if the outside or the inside handle button is operated for a longer period than the waiting period of 1 second, a desired lowering of the window pane ensues, this lowering being controllable from the outside of the vehicle. In this case the time of 1 second does not constitute an inconveniently long waiting period.